

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KEVIN MURRAY,

Plaintiff,

-against-

STATE FARM INSURANCE COMPANY,

Defendant.
-----X

FEUERSTEIN, J.

CJM
8/2/05
FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 13 2005 ★

P.M. _____
TIME A.M. _____

ORDER

05-CV-6378 (SJF)(LB)

On December 8, 2005, *pro se* plaintiff Kevin Murray ("Plaintiff") commenced this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, alleging employment discrimination. The case was referred to Magistrate Judge Lois Bloom for all pretrial matters. On October 10, 2006, Magistrate Judge Bloom issued a Report and Recommendation (the "Report") recommending that the complaint be dismissed for Plaintiff's failure to serve the summons and complaint upon the defendant within one hundred twenty (120) days of filing as required by Rule 4(m) of the Federal Rules of Civil Procedure. No objections to the Report have been filed. For the reasons stated below, the Court adopts Magistrate Judge Bloom's Report in its entirety.

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). The district judge is not required to review the factual or legal conclusions of the magistrate judge as to which no objections are taken. See Alenski v. Potter, No. 03-CV-2179, 2005 WL 1309043, at *1 (E.D.N.Y. May 18, 2005) (citing Townsend v. Strack, No. 98-CV-

5338, 2002 WL 32096572, at*1 (E.D.N.Y. May 7, 2002)). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. Fed. R. Civ. P. 72(b); In re Health Management Systems, Inc. Securities Litigation, 82 F. Supp. 2d 227, 230 (S.D.N.Y. 2000); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed any objections to Magistrate Judge Bloom's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court ACCEPTS AND ADOPTS Magistrate Judge Bloom's Report as an Order of the Court. The action is dismissed. The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.


Sandra J. Fenerstein
United States District Judge

Dated: October 25, 2006
Brooklyn, New York

Copy to:

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Brooklyn, NY 11233